# Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-LHK (SVK)

## ORDER ON ADMINISTRATIVE MOTIONS FOR LEAVE TO FILE **UNDER SEAL**

Re: Dkt. Nos. 291, 354, 356, 360, 361

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 291, 354, 356, 360, 361; see also Dkt. 303, 376.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." Kamakana v. City & Cnty. Of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Communs., Inc., 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a "strong presumption in favor of access." Kamakana, 447 F.3d at 1178 (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are "more than tangentially related to the underlying cause of action" must demonstrate "compelling reasons" that support secrecy. Ctr. For Auto Safety v. Chrysler Grp., 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re "not related, or only tangentially related, to the merits of the case," the lower "good cause" standard of Rule 26(c) applies. *Id.*; see also Kamakana, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the "good cause" standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

## 1. Dkt. 291

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Motion Seeking Relief (Dkt. 291-2)	GRANTED as to redacted portions at:  Page 1 Lines 6-11 Page 2 Lines 25-27 Page 3 Lines 1-4, 21-22 Page 5 Lines 17, 23 Page 8 Lines 3-5 Page 9 Lines 11, 16 Page 10 Lines 9-11 Page 11 Lines 14-17 Page 12 Lines 1, 11, 13 Page 14 Lines 17, 19, 22-27 Page 15 Lines 1-10	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of logs maintained by Google, and information contained in those logs, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit E to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-7)	GRANTED as to redacted portions at: Pages 1-2.	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their

		proprietary functions that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit F to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-8)	GRANTED as to the document in its entirety	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's operations and consumer data, including Google's internal data storage infrastructure, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit H to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-9)	GRANTED as to redacted portions at: Pages 2, 4	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their
		proprietary functions, the various types of logs maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit I to the Declaration of Erika Nyborg-Burch in support of the Motion Seeking Relief (Dkt. 291-10)	GRANTED as to redacted portions at:	Narrowly tailored to protect confidential technical information regarding the operation of Google's products and systems, including the
(DKt. 291-10)	Page 2	products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, the various types of logs maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.
Exhibit J to the Declaration of	GRANTED as	Narrowly tailored to protect
Erika Nyborg-Burch in support	to the document	confidential technical information
of the Motion Seeking Relief (Dkt. 291-11)	in its entirety	regarding the operation of Google's products and systems, including the various types of Google's internal identifiers/cookies and their proprietary functions, that Google

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maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Narrowly tailored to protect (1) Exhibit K to the Declaration of **GRANTED** as confidential technical information Erika Nyborg-Burch in support to redacted of the Motion Seeking Relief regarding the operation of Google's portions at: (Dkt. 291-12) products and systems, including the various types of Google's internal Pages 1-3, 5-12 identifiers/cookies and their proprietary functions, the various types of databases maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors and (2) Plaintiffs' sensitive information. Narrowly tailored to protect (1) **GRANTED** as Exhibit L to the Declaration of confidential technical information Erika Nyborg-Burch in support to redacted of the Motion Seeking Relief portions at: regarding the operation of Google's (Dkt. 291-13) products and systems, including the Pages 2-9 various types of Google's internal identifiers/cookies and their proprietary functions, the various types of databases maintained by Google, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors and (2) Plaintiffs' sensitive information.

### 2. Dkt. 354

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
December 16, 2021 Joint Submission	portions highlighted in yellow at:	Narrowly tailored to protect information that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

# United States District Court Northern District of California

## 3. Dkt. 356

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
December 17, 2021 Joint Submission	portions highlighted in yellow at:	Narrowly tailored to protect information that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

# 4. Dkt. 360

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
GOOG-BRWN-00409986 (Dkt. 360-1)	GRANTED as to redacted portions at:	The information requested to be sealed contains Google's confidential and proprietary information regarding
	Pages 1-2	sensitive features of Google's internal systems and operations, including
		details related to internal project, links, and goals, that Google maintains as confidential in the ordinary course of its
		business and is not generally known to the public or Google's competitors.
		Such confidential and proprietary information reveals Google's internal
		strategies, system designs, and business practices for operating and maintaining
		many of its important services, andpublic disclosure of such confidential and proprietary information
		could affect Google's competitive standing as competitors may alter their
		systems and practices relating to competing products. It may also place
		Google at an increased risk of cyber security threats, as third parties may
		seek to use the information to compromise Google's internal projects, documents, and practices relating to
		competing products.
GOOG-BRWN-00226088 (Dkt. 360-2)	GRANTED as to redacted portions at:	The information requested to be sealed contains Google's confidential and
	page 3	proprietary information regarding encryption of Google's produced document, that Google maintains as
		confidential in the ordinary course of its business and is not generally known to
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1			the public or Google's competitors.
1			Such confidential and proprietary
2			information reveals Google's internal
-			strategies, system designs, and business
3			practices for operating and maintaining
			many of its important services, and public disclosure of such confidential
4			and proprietary information may place
~			Google at an increased risk of cyber
5			security threats, as third parties may
6			seek to use the information to
			compromise Google's internal
7			documents subject to the Protective
			Order in this case.
8	GOOG PRWN 00005 (77 (PL 200 4)	GRANTED as to	The information requested to be sealed
9	GOOG-BRWN-00225677 (Dkt. 360-4)	redacted portions at:	contains Google's confidential and
9			proprietary information regarding
10		page 4	encryption of Google's produced document, that Google maintains as
			confidential in the ordinary course of its
11			business and is not generally known to
10			the public or Google's competitors.
12			Such confidential and proprietary
13			information reveals Google's internal
13			strategies, system designs, and business
14			practices for operating and maintaining
			many of its important services, and
15			public disclosure of such confidential
1.0			and proprietary information may place
16			Google at an increased risk of cyber security threats, as third parties may
17			seek to use the information to
1,			compromise Google's internal
18			documents subject to the Protective
			Order in this case
19		GRANTED as to	The information requested to be sealed
20	GOOG-BRWN-00477510 (Dkt. 360-5)	redacted portions at:	contains Google's confidential and
20			proprietary information regarding
21		Redacted in its	sensitive features of Google's internal
		entirety	systems and operations, including details related to internal research and
22			methodology, that Google maintains as
22			confidential in the ordinary course of its
23			business and is not generally known to
24			the public or Google's competitors.
			Such confidential and proprietary
25			information reveals Google's internal
2.			strategies, system designs, and business
26			practices for operating and maintaining
27			many of its important services, and public disclosure of such confidential
21			and proprietary information could affect
28			Google's competitive standing as
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designs, and business practices for	
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important services, and public	
disclosure of such confidential and	
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practices relating to competing	
products. It may also place Google a	
increased risk of cyber security threa	its,
as third parties may seek to use the	
information to compromise Google's	S
features and practices relating to	
competing products.	
GRANTED as to The information requested to be seal	led
GOOG-BRWN-00140297 (Dkt. 360-14) redacted portions at: contains Google's confidential and	
proprietary information regarding	
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ages 13, 17, 20-23, guestame and apprecions including	
27, 29, 31-33 systems and operations, including details related to proprietary and	
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Google maintains as confidential in t	
ordinary course of its business and is	
not generally known to the public or	
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Google's internal strategies, system	
designs, and business practices for	
operating and maintaining many of i	ts
important services, and public	
disclosure of such confidential and	
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1				Google's competitive standing as
1				competitors may alter their systems and
2				practices relating to competing
2				products. It may also place Google at an
3				increased risk of cyber security threats,
				as third parties may seek to use the
4				information to compromise Google's
_				features and practices relating to competing products.
5			GRANTED as to	The information requested to be sealed
6		GOOG-CABR-04991831 (Dkt. 360-15)	redacted portions at:	contains Google's confidential and
U		,	redacted portions at.	proprietary information regarding
7			page 1	sensitive features of Google's internal
			page 1	systems and operations, including
8				details related to internal projects and
0				proprietary and potential features of its
9				product, that Google maintains as
10				confidential in the ordinary course of its
10				business and is not generally known to
11				the public or Google's competitors. Such confidential and proprietary
				information reveals Google's internal
12				strategies, system designs, and business
13				practices for operating and maintaining
13				many of its important services, and
14				public disclosure of such confidential
				and proprietary information could affect
15				Google's competitive standing as
				competitors may alter their systems and
16				practices relating to competing
17				products. It may also place Google at an increased risk of cyber security threats,
1/				as third parties may seek to use the
18				information to compromise Google's
				internal projects, features, and practices
19				relating to competing products.
20			GRANTED as to	The information requested to be sealed
20		GOOG-CABR-05269357 (Dkt. 360-16)	redacted portions at:	contains Google's confidential and
21				proprietary information regarding
			Redacted in its	sensitive features of Google's internal
22			entirety	systems and operations, including details related to internal projects and
22				products and their proprietary features,
23				that Google maintains as confidential in
24				the ordinary course of its business and is
<i>-</i> <b>r</b>				not generally known to the public or
25				Google's competitors. Such confidential
				and proprietary information reveals
26				Google's internal strategies, system
27				designs, and business practices for
27				operating and maintaining many of its
28				important services, and public disclosure of such confidential and
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1			proprietary information could affect
1			Google's competitive standing as
2			competitors may alter their systems and
2			practices relating to competing
3			products. It may also place Google at an
			increased risk of cyber security threats,
4			as third parties may seek to use the
			information to compromise Google's
5			internal projects, features and practices
_		CD A MEED	relating to competing products.
6	GOOG-BRWN-00457784 (Dkt. 360-17)	GRANTED as to	The information requested to be sealed
7	GOOG-BRW11-00437704 (DRI: 300-17)	redacted portions at:	contains Google's confidential and
7			proprietary information regarding Google's internal systems and
8		page 1	operations, including details related to
			internal projects and discussions, that
9			Google maintains as confidential in the
			ordinary course of its business and is
10			not generally known to the public or
			Google's competitors. Such confidential
11			and proprietary information reveals
12			Google's internal strategies, system
12			designs, and business practices for
13			operating and maintaining many of its
13			important services, and public
14			disclosure of such confidential and
			proprietary information could affect
15			Google's competitive standing as
1.0			competitors may alter their systems and
16			practices relating to competing products. It may also place Google at an
17			increased risk of cyber security threats,
1 /			as third parties may seek to use the
18			information to compromise Google's
			internal projects, features, and practices
19			relating to competing products.
• 0		GRANTED as to	The information requested to be sealed
20	GOOG-BRWN-00048967.C (Dkt. 360-	redacted portions at:	contains Google's confidential and
21	18)	1	proprietary information regarding
21		Page 33	encryption of Google's produced
22		6	document, that Google maintains as
			confidential in the ordinary course of its
23			business and is not generally known to
			the public or Google's competitors.
24			Such confidential and proprietary
25			information reveals Google's internal strategies, system designs, and business
25			practices for operating and maintaining
26			many of its important services, and
20			public disclosure of such confidential
27			and proprietary information may place
			Google at an increased risk of cyber
28			security threats, as third parties may

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		seek to use the information to
		compromise Google's internal
		documents subject to the Protective
		Order in this case.
	GRANTED as to	The information requested to be sealed
GOOG-BRWN-00388293 (Dkt. 360-19)	redacted portions at:	contains Google's confidential and
	reducted portions at:	proprietary information regarding
		Google's internal systems and
	pages 1, 3	operations, including details related to
		internal projects and discussions, that
		Google maintains as confidential in the
		ordinary course of its business and is
		not generally known to the public or
		Google's competitors. Such confidentia
		and proprietary information reveals
		Google's internal strategies, system
		designs, and business practices for
		operating and maintaining many of its
		important services, and public
		disclosure of such confidential and
		proprietary information could affect
		Google's competitive standing as
		competitors may alter their systems and
		practices relating to competing
		products. It may also place Google at an
		increased risk of cyber security threats,
		as third parties may seek to use the
		information to compromise Google's
		internal projects, features, and practices
		relating to competing products.
	GRANTED as to	The information requested to be sealed
GOOG-CABR-00501220 (Dkt. 360-20)	redacted portions at:	contains Google's confidential and
	reducted portions at.	proprietary information regarding
		sensitive features of Google's internal
	page 2-3, 5-6	systems and operations, including
		details related to internal projects and
		proprietary and potential features of its
		product, that Google maintains as
		confidential in the ordinary course of its
		business and is not generally known to
		the public or Google's competitors.
		Such confidential and proprietary
		information reveals Google's internal
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		strategies, system designs, and business
		practices for operating and maintaining
		many of its important services, and
		public disclosure of such confidential
		and proprietary information could affect
		Google's competitive standing as
		competitors may alter their systems and
		practices relating to competing
		practices relating to competing products. It may also place Google at an increased risk of cyber security threats,

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		as third parties may seek to use the
		information to compromise Google's
		internal projects, features, and practices
		relating to competing products.
	GRANTED as to	The information requested to be sealed
GOOG-CABR-05269678 (Dkt. 360-21)	redacted portions at:	contains Google's confidential and
		proprietary information regarding
	D2 0 12 15 10	sensitive features of Google's internal
	Pages 3, 9-13, 15, 18-	systems and operations, including
	20, 22-25, 27, 30-32	details related to internal projects and
		proprietary and potential features of its
		product, that Google maintains as
		confidential in the ordinary course of its
		business and is not generally known to
		the public or Google's competitors.
		Such confidential and proprietary
		information reveals Google's internal
		strategies, system designs, and business
		practices for operating and maintaining
		many of its important services, and
		public disclosure of such confidential
		and proprietary information could affect
		Google's competitive standing as
		competitors may alter their systems and
		practices relating to competing
		products. It may also place Google at an
		increased risk of cyber security threats,
		as third parties may seek to use the
		information to compromise Google's
		internal projects, features, and practices
	CD ANTEED	relating to competing products.
24. Mardini Transcript (Excerpt) (Dkt.	GRANTED as to	The information requested to be sealed
360-24)	redacted portions at:	contains Google's confidential and
300-24)		proprietary information regarding
	306:10	Google's internal systems and
		operations, including details related to
		internal projects, that Google maintains
		as confidential in the ordinary course of
		its business and is not generally known
		to the public or Google's competitors.
		Such confidential and proprietary
		information reveals Google's internal
		strategies, system designs, and business
		practices for operating and maintaining
		many of its important services, and
		public disclosure of such confidential
		and proprietary information could affect
		Google's competitive standing as
		competitors may alter their systems and
		practices relating to competing
		products. It may also place Google at an
		increased risk of cyber security threats,
		as third parties may seek to use the
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1 2			information to compromise Google's internal projects and practices relating to competing products.
3 4	5. Dkt. 361		
5 6	Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
7 8 9	Exhibits relied upon by Google in its portion of the Joint Submission Re: Deposition of Google Officer Sundar Pichai	GRANTED	See Dkt. 358
10	SO ORDERED.		
11	Dated: January 6, 2022		
12			7 V .
13		•	Susan Var Kullusan van keulen
14			nited States Magistrate Judge
15			
16			
17			